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	Application No.	Applicant(s)
	10/749,520	OKUMURA ET AL
Notice of Allowability	Examiner	Art Unit
	H. T. Le	1773
The MAILING DATE of this communication appeals all claims being allowable, PROSECUTION ON THE MERITS IS therewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT ROT the Office or upon petition by the applicant. See 37 CFR 1.313	(OR REMAINS) CLOSED in this apply or other appropriate communication IGHTS. This application is subject to	olication. If not included will be mailed in due course. THIS
1. $igspace$ This communication is responsive to <u>amendment filed Oct</u>	ober 28, 2005.	
2. X The allowed claim(s) is/are 1,2,6 and 7.		
<ul> <li>3. Acknowledgment is made of a claim for foreign priority unally a) All b) Some* c) None of the:</li> <li>1. Certified copies of the priority documents have</li> <li>2. Certified copies of the priority documents have</li> </ul>	e been received.	
3. Copies of the certified copies of the priority documents have been received in this national stage application from the		
International Bureau (PCT Rule 17.2(a)).		
* Certified copies not received:		
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.		
<ol> <li>A SUBSTITUTE OATH OR DECLARATION must be subm INFORMAL PATENT APPLICATION (PTO-152) which giv</li> </ol>	nitted. Note the attached EXAMINER es reason(s) why the oath or declara	'S AMENDMENT or NOTICE OF tion is deficient.
5. CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.		
(a) I including changes required by the Notice of Draftspers	son's Patent Drawing Review (PTO-	948) attached
1) 🗌 hereto or 2) 🔲 to Paper No./Mail Date		
(b) ☐ including changes required by the attached Examiner Paper No./Mail Date		
Identifying indicia such as the application number (see 37 CFR 1 each sheet. Replacement sheet(s) should be labeled as such in the same of	I.84(c)) should be written on the drawithe header according to 37 CFR 1.121(	ngs in the front (not the back) of d).
<ol> <li>DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.</li> </ol>		
Attachment(s)	5. The Notice of Informal F	Patent Application (PTO-152)
1. Notice of References Cited (PTO-892)	. <del>-</del>	·
2. Notice of Draftperson's Patent Drawing Review (PTO-948)	Paper No./Mail Da	te .
<ol> <li>Information Disclosure Statements (PTO-1449 or PTO/SB/ Paper No./Mail Date</li> </ol>	08), 7. ⊠ Examiner's Amenda	ment/Comment
Examiner's Comment Regarding Requirement for Deposit of Biological Material	8. ⊠ Examiner's Stateme	ent of Reasons for Allowance
		Primary Examiner Art Unit: 1773

Application/Control Number: 10/749,520 Page 2

Art Unit: 1773

## **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. The application has been amended as follows:

Claims 8-16 have been canceled as drawn to a non-elected invention.

End of amendment.

## REASONS FOR ALLOWANCE

- 3. The following is an examiner's statement of reasons for allowance: None of the prior art references of record, singly or in combination, teach or suggest a composition comprising the specific non-ether hydrophilic polymer and ether hydrophilic polymer in combination with a polyhydric alcohol fatty acid ester and silicone oil wherein the silicone oil is present in a specific proportion relative to the fatty acid ester as claimed.
- 4. Claims 8-16 have been canceled as directed to a non-elected invention. The election is considered having made without traverse because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement. (MPEP § 818.03(a)).
- 5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Application/Control Number: 10/749,520 Page 3

Art Unit: 1773

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to H. T. Le whose telephone number is 571-272-1511. The examiner can normally be reached on 10:00 a.m. to 6:30 p.m., Mondays to Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney can be reached on 571-272-1284. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

H. T. Le Primary Examiner

Art Unit 1773

Dec. 1, 2005